

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM NICHOLAS GLASS,

Defendant and Appellant.

2d Crim. No. B266556  
(Super. Ct. Nos. 2010036644,  
2010040364, 2011026374)  
(Ventura County)

Appellant William Nicholas Glass was arrested and charged in case no. 2010036644 (the ‘644 case) with possession of a controlled substance. (Health & Saf. Code, § 11377, subd. (a).) While in jail, he was charged in case no. 2010040364 (the ‘364 case) with conspiracy to commit perjury (Pen. Code, §§ 118, 182, subd. (a)(1))<sup>1</sup> and perjury (§ 118, subd. (a)). He was released on bail but subsequently re-arrested and charged in case no. 2011026374 (the ‘374 case) with street terrorism (§ 186.22, subd. (a)), possession of a firearm by a felon (§ 12021, subd. (a)(1)), possession of ammunition (§ 12316, subd. (b)(1)), carrying a loaded firearm (former § 12031, subd. (a)(2)), and possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a)).

---

<sup>1</sup> All further statutory references are to the Penal Code unless otherwise specified.

In a package resolution of all three cases, Glass pled guilty to four of the counts. The trial court dismissed a strike. He was sentenced to eight years, eight months in prison. He was awarded presentence custody credit of 313 days in the ‘364 case, 208 days in the ‘374 case, and no credit in the ‘644 case.

Glass successfully moved to set aside his plea agreement in light of *People v. Rodriguez* (2012) 55 Cal.4th 1125, which the People conceded rendered his street terrorism conviction infirm. Pursuant to a second plea agreement, Glass was convicted of possession of a controlled substance in the ‘644 case, perjury in the ‘364 case, and possession of a firearm by a felon and carrying a loaded firearm in the ‘374 case. He admitted a strike and two prior prison convictions. (§§ 667, subds. (c)(1), (e)(1), 667.5, subd. (b), 1170.12, subds. (a)(1), (c)(1).) The trial court denied his *Romero* motion.<sup>2</sup>

The trial court sentenced him to a six-year prison term on the perjury count and four-year concurrent terms on the remaining counts. In each of the three cases, he was awarded 1,580 days of presentence custody credit. In July 2015, the trial court issued amended minute orders and abstracts of judgment correcting the presentence custody credit to reflect 313 days in the ‘364 case, and 209 days in the ‘374 case, and no credit in the ‘644 case. After this appeal was filed, the trial court issued an order and an amended abstract of judgment providing for 919 days of in-prison custody credit and an additional 88 days of presentence custody credit in the ‘364 case.<sup>3</sup>

Glass appeals the trial court’s July 2015 amendments to the abstracts of judgment. Appointed counsel filed a brief raising no issues and requesting our independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On December 11, 2015, we notified Glass that he had 30 days in which to advise us of any claims he wished us to consider. He submitted a two-page letter brief.

---

<sup>2</sup> (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.)

<sup>3</sup> We grant Glass’s request for judicial notice.

Glass contends that the trial court erred by denying his *Romero* motion at the second sentencing because it had granted it at the first sentencing and that counsel was ineffective for promising him that he would receive 1,580 days presentence custody credit if he accepted the second plea agreement. We lack jurisdiction to consider these arguments because he failed to appeal his sentence. (Cal. Rules of Court, rule 8.308(a); *Silverbrand v. County of Los Angeles* (2009) 46 Cal.4th 106, 113.) The trial court properly calculated the presentence custody credit based on Glass's time in custody prior to the original sentencing notwithstanding that his original plea was later set aside. (See *In re Martinez* (2003) 30 Cal.4th 29, 37.)

Having examined the entire record, counsel's *Wende* brief and Glass's letter brief, we are satisfied appointed counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Patricia M. Murphy, Judge  
Superior Court County of Ventura

---

California Appellate Project, Jonathan B. Steiner and Richard B. Lennon,  
under appointment by the Court of Appeal; William Nicholas Glass, in pro. per., for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.